A restriction requirement was made on May 6, 2002 between claims 1 - 11 and claims 12 - 15. The undersigned provisionally elected with traverse to prosecute the invention of Group 1, namely claims 1 - 11. This response is an affirmation to the election that applicant hereby is electing the invention of claims 1 - 11.

On page 3 of the Office Action the Examiner rejects claims 1 and 10 under 35 U.S.C. 112, second paragraph as being indefinite. Claim 1, once amended, has now corrected the position of crystallizable thermoplastic as it appears in the claim, as well as the phrase "at least barium sulfate", and the phrase "principal constituent".

The Examiner did not reject on page 3 of the Office Action claims 7, 8, and 9. However, on page 4 of the Office Action the Examiner objected to these claims under 35 U.S.C. 112. In particular, the Examiner rejects claims 7 and 8 as being unclear relative to the phrase "Sedigraph method" and "measured to ASTM-D 1003" as well as "DIN 67530". Average grain size, as it appears in claim 7, may be measured by many different methods. In order for the average grain size range set forth in claim 7 to be meaningful, the method employed to measure the average grain size must be set forth. Accordingly, it is submitted that claim 7 makes the physical characteristic of average grain size more definite, not unclear.

In respect to claim 8, it is again submitted that there are at least 3 different ways in which to measure surface gloss of the film. One of the accepted measurements is according to DIN 67530 where the measurement angle must be specified. Again this makes the physical characteristic of surface gloss for the film more definite, not unclear as suggested by the Examiner. The same is also said with respect to ASTM-D1003. Luminous transmittance can be measured at least 2 different ways. Accordingly, it is important to set forth which method was employed for determining the optical property luminous.

The Examiner also rejects claim 8 for the relative terms "uniform" and "streak-free". This portion of claim 8 has been deleted and thus it is believed that claim 8 is now proper.

Lastly, the Examiner notes that the limitation "the form" in claim 9 lacks sufficient antecedent basis. This is a typographical error. The word "film" was meant. This has been corrected in claim 9.

The Examiner stated on page 3 of the Office Action that claim 10 was rejected under 35 U.S.C. 112. There is no specific rejection against claim 10, other than the fact it depends from claim 1, which did have a specific rejection against it.

On page 4 of the Office Action, the Examiner has rejected claims 1 - 5 and 9 - 11 under 35 U.S.C. 103 as being unpatentable over Kim et al. (U.S. Pat. No. 5,660,931). The Examiner notes that Kim discloses a white film comprising PET, barium sulfate, an optical brightener and a functional coating. In view of claim 1, once amended, it is submitted that Kim does not teach a film where the luminous transmittance is reduced when the longitudinal stretch ratio is increased for a film of similar thickness. Support for this limitation can be found on page 11, line 20 to page 12, line 1 of the Specification. Additionally, support may be found in the Table on page 17 of the Specification by comparing Example 1 with Example 3. In both circumstances, each film is 50 μm thick. In Example 1 the longitudinal stretch ratio is 3.1. For Example 3, the longitudinal stretch ratio is 3.3. Comparing the luminous transmittance of Example 1 to Example 3, the luminous transmittance is reduced from 20% to 16%.

While the inventors do not understand why this occurs, nevertheless it is an observed optical property of the films of the present invention. It is submitted that Kim et al. does not disclose such an optical property. Accordingly, it is believed that claim 1 and all of its dependent claims 2 - 11 are allowable.

On page 6 of the Office Action the Examiner rejects claims 1, 3, 4, and 10 "because they are product-by-process claims". This is an improper rejection because product-by-process claims are permitted under US Law. The fact that the process step of masterbatching the barium sulfate and/or optical brightener is set forth in the claims does not make these claims rejectable. Of course, the Examiner is correct in stating that process limitations in product claims are given no patentable weight as set forth in the MPEP 2113. While these process limitations are given

no weight, it does not mean that the claims are rejectable because they are product-by-process claims.

On page 6 of the Office Action, the Examiner rejects claim 6 under 35 U.S.C. 103 as being unpatentable of Kim et al. in view of von Meer (U.S. Pat. No. 4,384,040). The Examiner states that von Meer is relied on to show the use of a blue dye in a polyester resin. While von Meer indeed discloses cobalt and ultra-marine dyes, it does not supply the deficiencies of Kim et al. relative to the optical property of luminous transmittance as now set forth in claim 1, once amended.

On page 8 of the Office Action, the Examiner rejected claim 7 under 35 U.S.C. 103 as being unpatentable over Kim et al. further in view of Yamazaki (U.S. Pat. No. 6,106,924). The Examiner states that Yamazaki discloses precipitated barium sulfate whereas Kim et al. only discloses barium sulfate. Nevertheless, Yamazaki does not disclose the deficiencies of Kim et al. relative to the optical property luminous transmittance.

On page 9 of the Office Action, the Examiner has rejected claim 8 under 35 U.S.C. 103 as being unpatentable of Kim et al. (it is unclear why this rejection was not grouped with claims 1 - 5 and 9 - 11). As stated earlier, Kim et al. do not disclose the optical property of luminous transmittance as now claimed in claim 1 (once amended). Accordingly it is submitted that all of claims 1 - 11 are patentable over Kim et al. or Kim et al. in view of the applied prior art.

In light of the amendments to the claims and in view of these remarks, it is submitted that the claims are now in condition for allowance and such is earnestly solicited.

Also attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **"Version With Markings To Show Changes Made".**

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claim 1 has been amended as follows:

1. (Once Amended) A opaque, white film with a thickness of from 10 to 500 µm ~~whose principal constituent is a crystallizable thermoplastic~~, wherein the film comprises a crystallizable thermoplastic, barium sulfate, and at least one optical brightener, wherein the barium sulfate or the optical brightener, or the barium sulfate and the optical brightener have been incorporated directly into the crystallizable thermoplastic or are fed as a masterbatch during film production, and wherein at least one surface of the film bears a functional coating with a thickness of from 5 to 10 nm, wherein the luminous transmittance of the film is reduced when the longitudinal stretch ratio is increased for film of the same thickness.

Claims 8 and 9 have been amended as follows:

8. (Once Amended) The film as claimed in claim 1, wherein the surface gloss of the film, measured to DIN 67530 (measurement angle 20°) is 10, and wherein the luminous transmittance (transparency) of the film, measured to ASTM-D 1003 30%~~, and wherein the coloration of the film is uniform and streak-free over its entire running length and entire width~~.

9. (Once Amended) The film as claimed in claim 1, wherein the film has one or more layers, and the ~~form~~ film having more than one layer comprises at least one base layer and at least one outer layer.